sible for any injury resulting from the negligence of the servant while driving the master's *carriage,* provided the servant is at the time engaged in his master's business. 20 AM. & ENG. ENCY. OF LAW, 165, and cases cited: SMITH ON MASTER AND SERVANT, p. 283; SCHOULER ON DOMESTIC RELATIONS, p. 636. And the principle is also well settled that the master is not relieved from liability by reason of the fact that the act resulting in injury was done in disobedience of his express orders, because the test of the master's responsibility for the acts of his servants is not whether such act was done in accordance with the instructions of the master to the servant, but whether it was done in the prosecution of the business that the servant was employed to do. 20 AM. & ENG. ENCY. OF LAW, 167, and cases cited. In this case the court, although admitting that whether the act of the driver was within the scope of his employment and in the execution of his master's orders was a matter of doubtful inference, nevertheless called attention to the fact that the chauffeur was drawing twenty dollars a week salary and was in a class superior to that of the ordinary coachman. To quote the words of the opinion: "It is easy to understand how a master might order certain classes of servants to perform an act and expect exact obedience; but in directing a man of the intelligence and responsibility of Harse about such a trifling matter it was in all probability in the nature of a suggestion merely." It would seem that the conclusion to be drawn from the case was that the court considered that owners of automobiles must be held to a stricter accountability for the acts of their chauffeurs than have been owners of horses for the negligence of their coachmen.

NAVIGABLE WATERS—JURISDICTION OF THE UNITED STATES.—An order to show cause why a preliminary injunction should not issue was obtained by the plaintiff in a suit brought by the United States to compel the removal of certain obstructions erected in the inlet connecting the Bay of Far Rockaway, on the southern coast of Long Island, with the Atlantic Ocean, the principal question at issue being whether or not such bay is at the present time navigable water within the jurisdiction of the United States. *Held,* as it appears that such bay has been navigable water, until recently at least, and that an obstruction, if made, would have a tendency to change its character as such by preventing the ebb and flow of the tide therein, an injunction pendente lite should issue. *United States* v. *Banister Realty Co. et al.* (1907), — C. C. E. D., N. Y. —, 155 Fed. Rep. 583.

The value of this case lies chiefly in the comprehensive discussion indulged in by the court, concerning the jurisdiction of the United States over navigable waters. This jurisdiction is conferred on the federal government by two grants in the Constitution of the United States, relating to admiralty and maritime jurisdiction, and to interstate commerce. From each of these two grants there has developed a line of decisions on the jurisdiction of the United States over navigable waters. Under the power to regulate commerce, the United States Supreme Court held in *Pennsylvania* v. *Wheeling & Belmont Bridge Co.,* 18 How. 421, "the regulation of commerce includes intercourse and navigation." *The Hazel Kirke,* 25 Fed. 601; *King* v. *American*

Transp. Co., Fed. Cas. 7787. The test of navigability under this grant is a question of use and capacity to be used for interstate commerce. *Ex parte Boyer*, 109 U. S. 629; *Leovy* v. *U. S.*, 177 U. S. 621; *The Daniel Ball*, 77 U. S. 557; *The Montello*, 87 U. S. 430; *Chisholm* v. *Caines*, 67 Fed. 285; *Manigault* v. *Ward & Co.*, 123 Fed. 707. The judicial powers of the United States is extended, by the Constitution, to all cases of admiralty and maritime jurisdiction, and the courts have held the power of Congress to legislate in respect to such jurisdiction is co-extensive with it. The test of navigability under this jurisdiction is whether the waters lie within the admiralty and maritime jurisdiction of the United States. *In re Garnett*, 141 U. S. 1; *Ex parte Easton*, 95 U. S. 68; *United States* v. *Coombs*, 37 U. S. 72; *The Seneca*, Fed. Cas. 12670; *The S. C. Ives*, Fed. Cas. 7958. The court, in the principal case, says that this latter jurisdiction is broader than the other, for "bodies of water which as a whole come under the admiralty and maritime jurisdiction of the United States may not in their entirety stand the test of navigability established in the Leovy case and others," supra. The jurisdiction of the United States over the waters in question may be sustained "both under the provision relating to interstate commerce, and also that relating to admiralty and maritime jurisdictions, and that the limits of legislation in this regard are not confined to either of these provisions as distinguished and separate from the other."

ROBBERY—INFORMATION—REQUISITES—MANNER OF RAISING OBJECTIONS.—The defendant was convicted of robbery upon an information which used the exact language of the statute defining robbery. The information failed to state that someone besides the defendant owned the stolen goods. *Held*, that the information did not set forth facts constituting a crime. *McGinnis* v. *State* (1907), — Wyo. —, 91 Pac. Rep. 936.

In support of the decision the majority opinion cites cases which hold that the ownership of goods must be laid in an information or indictment for robbery. *State* v. *Wasson*, 126 Ia. 320, 101 N. W. 1125; *People* v. *Cleary*, 1 Cal. App. 50, 81 Pac. 753; *Boles* v. *State*, 58 Ark. 35, 22 S. W. 887; *State* v. *Dengal*, 24 Wash. 49, 63 Pac. 1104; *Smedley* v. *State*, 30 Tex. 215; *State* v. *Lawler*, 130 Mo. 366, 32 S. W. 979, 51 Am. St. Rep. 575; *Commonwealth* v. *Clifford*, 8 Cush. (62 Mass.) 215. But many of these cases are distinguishable from the principal case. Sec. 5322 of the Revised Statutes of Wyoming provides that a motion to quash shall be made for defects in the form of the information or for defects in the manner in which the offense is alleged. Sec. 5326 provides that the defendant shall be taken to have waived all defects that might have been taken advantage of by motion to quash when he pleads in bar or not guilty. In *State* v. *Wasson*, 126 Ia. 320, 101 N. W. 1125, the statutes discussed provided that uncertainty in an information should be ground for demurrer or motion in arrest. In *People* v. *Cleary*, 1 Cal. App. 50, 81 Pac. 753, the same kind of a statute is involved, and in *State* v. *Dengal*, 24 Wash. 49, 63 Pac. 1104, a motion to quash is not recognized as one of the pleadings. In Ohio and Indiana, where there are provisions in the statutes respecting the motion to quash similar to those of Wyoming, it has been held